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09/837,055	04/18/2001	Masahide Hirasawa	B208-1132	9180
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COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036			EXAMINER	
			SHAW, PEING ANDY	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/837,055	Applicant(s) HIRASAWA, MASAHIKE
	Examiner PELING A. SHAW	Art Unit 2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

Status

1) Responsive to communication(s) filed on 15 December 2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,10,11,15,18 and 20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1, 10-11, 15, 18 and 20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/CC)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

1. Amendment received on 12/15/2008 has been entered into record. Specification changes to reflect claim amended is reviewed and accepted. Claims 1, 11, 18 and 20 are amended. Claims 19 and 21 are cancelled. Claims 1, 10-11, 15, 18 and 20 are currently pending.
2. Applicant's submission filed on 06/30/2008 was entered. Claims 1, 10-11, 15, 18 and 20 were amended. The change to the specification, i.e. Abstract, was reviewed and accepted.
3. Amendment received on 12/31/2007 was entered into record. Claims 1, 10-11 and 15 were amended. Claims 2-3 and 12-13 were cancelled. Claims 18-21 were new.
4. Applicant's submission filed on 07/20/2007 was entered. Claims 1 and 11 were amended. Claims 16-17 were cancelled.
5. Amendment received on 01/04/2007 was entered into record. Claims 1-2 and 11-12 were amended. Claims 16-17 were new.
6. Applicant's submission filed on 06/26/2006 was entered. Claims 1-3, 11-13 and 15 were amended. Claims 7 and 14 were cancelled.
7. Amendment received on 12/12/2005 was entered. Claims 1-3, 7 and 10 were amended. Claims 4-6 and 8-9 were cancelled. Claims 11-15 were new.

Priority

8. This application has claimed priority on JAPAN 119029/2000 04/20/2000. The filing date is 04/18/2001.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 10-11, 15, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seong (US 6785720 B1), hereinafter referred as Seong in view of Takayama (US 5991842 A), hereinafter referred as Takayama.

- a. Seong shows (claim 1) a communication control apparatus (column 1, lines 21-26: set-top box) comprising: a first port that is connected to said first segment of a network (column 1, lines 46-53: connection between devices); a second port that is connected to said second segment of a network (column 1, lines 46-53: connection between devices); a CIP header detecting unit configured to detect whether the first isochronous packet received by said first port includes a CIP (common isochronous packet) head conforming to IEC 61883 standard (Fig. 1-3; column 1, line 46-column 2, line 10: IEC 61833 over IEEE 1394 to provide control and connection management of A/V using IPCR and OPCR, IEC 61883 define CIP header structure, CIP header has information on source stream); and a control unit configured to determine whether to disable relaying the first isochronous packet to said second port, if the first isochronous packet includes the CIP header (column 2, lines 42-49: CIP denotes IEC 61883; column 5, lines 47-67: OPCR to control the channel; Fig. 6-7; column 4, line

65-column 5, line 6: power on/off), wherein said control unit enables relaying the first isochronous packet to said second port, if the first isochronous packet includes the CIP header and the CIP header includes a node ID of a permission node (**column 4**, lines 29-56: set-top box is to select the service (source) device for connection; column 2, lines 42-49: CIP header contain source stream information; Fig. 8, column 5, lines 12-67: storing server device ID information for connections, the identification information storing unit is for limiting the device a user wishes to connect to when various servers exist and for connecting to only compatible server devices, considering the compatibility of the server devices), and wherein said control unit disables relaying the first isochronous packet to said second port (Fig. 8, column 5, lines 12-67: storing server device ID information for connections, the identification information storing unit is for limiting the device a user wishes to connect to when various servers exist and for connecting to only compatible server devices, considering the compatibility of the server devices) and controls to provide a second isochronous packet to said second port in lieu of the first isochronous packet (**column 1**, lines 24-53; IEEE 1394 transport digital stream), if the first isochronous packet includes the CIP header and the CIP header includes a node ID of a prohibited node (**column 1**, lines 46-53: securing connection between devices for transmitting and receiving A/V data; column 5, lines 47-67: OPCR to control the channel; column 5, lines 30-67: server device not register, server device inactive; Fig. 8, column 5, lines 12-67: storing server device ID information for connections, the identification information storing unit is for limiting the device a user wishes to connect to when

various servers exist and for connecting to only compatible server devices, considering the compatibility of the server devices). Seong does not explicitly show wherein said control unit controls to provide another isochronous packet including dummy data or null. However, Seong does show transmitting according to IEEE 1394/IEC 61883.

- b. Takayama shows (column 9, lines 47-49) when equipment is under operation, an empty packet is transmitted even if there is no data to be transmitted in an analogous art for the purpose of providing digital data transfer, electronic equipment for transferring data using the communication system, and an interface control device.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Seong's functions of connecting server device over IEEE 1394 using IEC 61883 with Takayama's functions of transmitting dummy packet when there is no data to be transmitted.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to transmitting dummy packet as per Takayama's teaching in as applied in IEEE 1394 isochronous channel connection based device connection in home network application as per Takayama (column 1, lines 21-35) and Seong (column 1, lines 24-53)'s teaching.
- e. Regarding claim 10, Seong shows wherein said first and second ports conform to the IEEE 1394-1995 standard (Fig. 1-3; column 1, line 46-column 2, line 10: IEC 61833 over IEEE 1394).

- f. Regarding claim 18, Seong shows wherein said control unit enables relaying the first isochronous packet to said second port, if the first isochronous packet does not include the CIP header (column 1, lines 46-53: it is not enough to perform data transmission between devices with only an IEEE 1394 specification. Namely, rules with respect to processes of securing a connection between devices for transmitting and receiving A/V data and an isochronous channel for transmitting the A/V data should be established between devices. For this, an IEC 61883 specification exists; column 2, lines 42-49: CIP is used to implement IEC 61883 functions).
- g. Claims 11, 15 and 20 are of the same scope as claims 1, 10 and 18. There are rejected for the same reasons as for claims 1, 10 and 18.

Together Seong and Takayama disclosed all limitations of claims 1, 10-11, 15, 18 and 20.

Claims 1, 10-11, 15, 18 and 20 are rejected under 35 U.S.C. 103(a).

Response to Arguments

10. Applicant's arguments filed on 12/15/2008 have been fully considered, but they are not persuasive.

- a. Applicant has argued that Seong does not disclose the limitation of "disabling relaying the first isochronous packet to the second port and controlling to provide a second isochronous packet including dummy data or null data to the second port in lieu of the first isochronous packet, if the first isochronous packet includes the CIP header and the CIP header includes a node ID of a prohibited node". Examiner has reviewed the claim rejection as above and the applied prior art, i.e. Seong. Examiner still thinks that Seong has shown the limitation as (column 1, lines 46-53) securing connection between devices for transmitting and receiving A/V data; (column 5, lines 47-67) OPCR to control the channel; (column 5, lines 30-67) server device not register, server device inactive; (Fig. 8, column 5, lines 12-67) storing server device ID information for connections, the identification information storing unit is for limiting the device a user wishes to connect to when various servers exist and for connecting to only compatible server devices, considering the compatibility of the server devices. These seem to teach or suggest the argued limitation, particularly (column 3, lines 5-23) read operation state being active/inactive; and (column 5, lines 18-67 and column 6, lines 33-51) reading OPCR for the state of service device being active/inactive; (column 6, lines 11-25) selectively activated or reconfigured a computer or other network device. Examiner has also reviewed and found as per the

previous office actions mailed 02/23/2006 Gerszberg seems to show (Fig. 47 and column 38, lines 50-55) parental control of allowing/not allowing channel viewing.

b. Applicant has argued that Takayama does not disclose the limitation of “controlling to provide a second isochronous packet including dummy data or null data to the second port in lieu of the first isochronous packet, if the first isochronous packet includes the CIP header and the CIP header includes a node ID of a prohibited node”. As IEEE 1394-1995 has specified an isochronous packet transmission, thus if there is no data to be transmitted, it is necessary to transmit a packet of no data, i.e. with dummy data as defined in IEEE 1394-1995 and disclosed as per column 9, lines 47-49 in Takayama. Examiner has reviewed and found item d of the Response to Arguments in office action mailed on 03/28/2008 seems to be applicable to this argument.

c. It is the Examiner’s position that Applicant has not submitted claims drawn to limitations, which define the operation and apparatus of Applicant’s disclosed invention in manner, which distinguishes over the prior art (see items a-d in section 9). As the claimed invention seems to draw a direct interpretation what has to be done according to and thus conforming industrial standards as applied to specific application. The cited prior art has also shown teaching or suggesting all limitation as claimed. It is not clear how applicant is able to submit claim language to distinguish over the prior arts used in the above rejection sections that discloses distinctive features of Applicant’s claimed invention. If applicant is submitting further amendment or argument, it is suggested that Applicant looks into the original

specification and claim language and compared with the cited prior art used in the rejection section above or the Remark section below to draw an amended claim set to further the prosecution.

- d. Failure for Applicant to narrow the definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant's intent to broaden claimed invention. Examiner interprets the claim language in a scope parallel to the Applicant in the response.

Remarks

11. The following pertaining arts are discovered and not used in this office action. Office reserves the right to use these arts in later actions.

- a. Chou et al. (US 6363428 B1) Apparatus for and method of separating header information from data in an IEEE 1394-1995 serial bus network
- b. Gerszberg et al. (US 6396531 B1) Set top integrated visionphone user interface having multiple menu hierarchies
- c. Stallkamp (US 6522649 B1) Method of distributing video reference signals as isochronous network packets
- d. IEC 61883-1, Consumer audio/video equipment-digital interface-Part 1: General, First edition, 1998-02, pp.1-77
- e. Hollins (US 7023801 B1) Speculative packet selection for transmission of isochronous data
- f. Johnson et al. (US 5584039 A) System for coordinating execution of multiple concurrent channel programs without host processor involvement using suspend and resume commands to control data transfer between I/O devices
- g. Sullivan et al. (US 6662365 B1) Unified parental locks

Conclusion

12. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Peling A Shaw/
Examiner, Art Unit 2444